



Iowa  
Accountability  
Program

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# **Wapello County Restitution Pilot Program**

## **Final Project Report**

### **August 2016 – September 30, 2017**



**Iowa Accountability Program (IAP) Wapello County Restitution Pilot Project**  
**Final Project Report, August 2016 – September 30, 2017**

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## I. Project Purpose

In April 2016, IAP partnered with the Iowa Attorney General's Office, Crime Victim Assistance Division (CVAD) to identify a means to improve victim restitution payment compliance and determine whether the model could be adapted across the state. Specifically, IAP's charges were to:

- a. Develop, pilot, and evaluate a financial assessment tool to help the system better gauge an adjudicated offender's ability to pay restitution; and
- b. Determine whether a local, dedicated court-based point of contact (Restitution Program Assistant [RPA]) working in collaboration with a team of local system providers and via meeting and creating payment plans directly with Clients resulted in greater victim restitution payment compliance.

## II. Key Project Development Considerations

### a. Harm Reduction.

Every interaction within the criminal justice system offers an opportunity to contribute to harm reduction – through its actions and interactions at various decision points, “the system” can either increase or decrease victim safety and offender accountability. Therefore, every person working within “the system” must be cognizant both that their interactions influence others as well as how their interactions may influence others. Project personnel collaborated to address needs at key decision points in order to move both victims and offenders closer to justice. With regard to adjudicated offenders (hereafter, “Clients”) who were the focus of this project, key decision points over which project partners had some level of control included guilty plea, sentencing, local institutional interventions, and violation response decisions. The following section provides an overview of key Project development and implementation considerations.

### b. The Importance of Procedural Fairness.

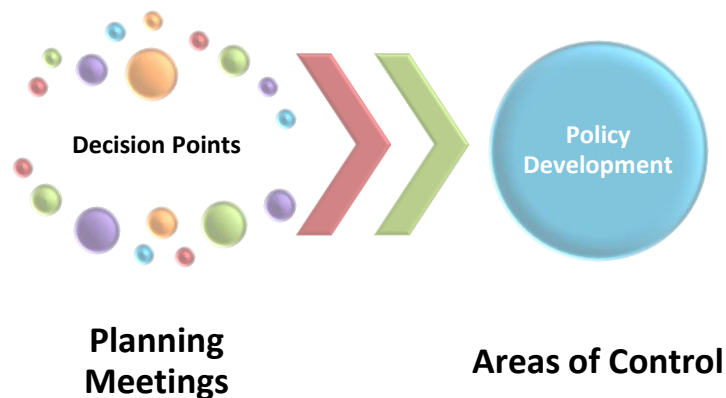
Addressing restitution or any other court-ordered payment obligation in a procedurally fair manner ensures that defendants have better understanding of the larger purpose of paying restitution (making victims “whole” for crime related damages not covered by other sources). Procedural fairness (also known as procedural justice) is an evidence-based practice that seeks to ensure clients feel the system is treating them fairly. Research shows that addressing such matters in a procedurally fair manner helps defendants understand that the money is not merely costs, rather, “*the money is going to the victim*”. (Stacy Hoskins Haynes, Alison C. Cares & R. Barry Ruback, the authors of *Reducing the Harm of Criminal Victimization: The Role of Restitution*, 30 Violence & Victims 450 (2015)). Key elements of procedural fairness include:

- 1) **Voice** -- the perception that your side of the story has been heard;
- 2) **Respect** -- perception that system players treat you with dignity and respect;
- 3) **Neutrality** -- perception that the decision-making process is unbiased and trustworthy;
- 4) **Understanding** -- comprehension of the process and how decisions are made; and

- 5) **Helpfulness** -- perception that system players are interested in your personal situation to the extent that the law allows.

c. **Mindful Policy Development.**

The multidisciplinary Advisory Board for the Project met for several months prior to the August 2016 Project implementation to outline policy and procedure that encompassed both harm reduction and procedural fairness while still comporting with applicable Iowa laws.



IAP Wapello County Restitution Advisory Board members worked out details:

- a. Mapping “the system” to identify:
  - i. Specific decision points or case processing steps of courts, corrections, clerks (known knowns, known unknowns, unknown unknowns), and what was needed to have clearer processes;
  - ii. How victim restitution information was gathered, what follow-up may be needed to obtain the information, and from whom that information could be obtained;
  - iii. How defendant and/or victim restitution information was transmitted/shared by whom and for what purpose; and
  - iv. Other partners to include in the Project.
- b. Defining respective roles and responsibilities for the Project Judge, Clerk, County Attorney, Corrections, RPA.

Additionally, IAP staff designed and conducted multifaceted training curricula for the RPA delivered over approximately 10 days at the Project’s outset. The curricula included trauma-informed public service provision, Iowa law pertaining to victim restitution and codified payment timelines, local and statewide services/resources, corrections programming, Client forms/letters and data tracking processes, and reporting requirements. IAP staff also conducted weekly technical assistance conference calls with the RPA through the first quarter of the project and staffed each monthly Advisory Board meeting throughout the entirety of the Project cycle.

### III. Project Results

Since August 16, 2016, 52 Clients were court-ordered to the IAP Wapello County Restitution Pilot Project, 47 of whom completed the Payment Ability Evaluation Tool with the RPA (see [Appendix A](#)). Two persons refused program participation and requested that their cases be transferred to Linebarger, and a third person failed to appear for their Intake Appointment, which also resulted in referral to Linebarger. Another 10 Clients (21.27%) have made full restitution, two of whom made full payment at the time of sentencing.

As of September 30, 2017, 18 of those 32 remaining Clients (56.25%) continue making monthly payments, the average of which is \$82.23 (range \$20 - \$400/month). Sixteen Clients are making restitution payments without prompting by the RPA. Clients appear to be relieved to have a dedicated point of contact regarding these matters and -- with rare exception -- Clients do contact the RPA when experiencing challenges in making payment. The RPA works with them to amend deadlines when possible as this ensures the Client's case remains at the county level with 100% of payment going toward victim restitution. Because of the consistent contact with Clients, the RPA is keenly aware when the matter must be returned to court for further action, up to and including referral to Linebarger collections. Sixteen total cases have been referred to Linebarger collections (32.9% of total caseload).

In comparison to the information listed above, preliminary examination of FY2016 statistics from Wapello county involving 80 cases before the same judge indicate that of those cases that would have been part of the IAP Restitution Pilot Project had it existed at that time:

- Total restitution ordered = \$121,575.82 (highest amount ordered = \$14,916; lowest amount ordered = \$10; average amount ordered = \$1,518.95)
- Total restitution paid as of 7.26.17 = \$36,488.14 (30% of total amount ordered)
- Total number of defendants paying full restitution without referral to collections: 7 (8.75% of defendants made full restitution)
- Total number of defendants referred to Linebarger collections: 73 (91.25%)
- All but two of 80 cases were referred to Linebarger 30 - 45 days post-sentencing for non-payment

Comparison: IAP Restitution Project v. No IAP Restitution Project				
What?	IAP Wapello County Restitution Pilot Project*	% of cases	FY2016 Comparison Cases <sup>#</sup>	% of cases
Number Ordered to Restitution	52	100	80	100
No Pecuniary Damages filed	7	13.46	n/a	n/a
Refused or Fail to Appear for Intake	3	5.76%	n/a	n/a
Total Amount Ordered	\$93,729.43		\$121,575.82	
Total Amount Paid	\$17,546.80	18.72%	\$52,262.36	42.98%
Amount Outstanding	\$63,417.63	67.66%	\$69,313.46	57%
Number Paying in full w/o Linebarger	10 (\$3,806.64)	21.27%	7 (\$25,400.46)	8.75%
Number referred to Linebarger	16	32.90%	72	90%
Number Paying in full after referral	0	0%	21 (\$12,949.61)	26.25%
* = August 15, 2016 – September 30, 2017				
<sup>#</sup> = Payment data on SFY16 cases as of July 27, 2017				

In short, the IAP Wapello County Restitution Pilot Project has yielded higher victim restitution repayment with zero collections fees attached, far fewer cases being referred to Linebarger collections, and more victims receiving full restitution.

The following tables document the Project's accomplishments during the entire contract period

**Table 1:**

**Iowa Accountability Program Restitution Pilot Project**

**August 18, 2016 – September 30, 2017**

Time to Completed Ability To Pay Assessment (in minutes)		Restitution Owed		Monthly Restitution Payment	
Avg. Time	38.33	Avg. Amount	\$1,91.28	Avg. Amount	\$17.28
Most Time	60	↑ Owed	\$27,350.00	↑	\$100
Least Time	25	↓ Owed	\$14.70	↓	\$10

**Table 2: Report Period and Project YTD Data**

**Number of Restitution Project Clients**

Activity	January 1 – June 30, 2017	August 16 – December 31, 2016	Since Project Inception
Completed Intakes w/RPA	16		52
Average Intake Length	38.33"		41.28"
Clients Put on Payment Plant			
Plans filed with Project Judge			
Verified w/County Attorney: No Pecuniary Damages	2		10
Refused to Participate in Project			2
Highest Monthly Payment Amount	100.00	400.00	
Average Monthly Payment Amount	\$17.28	\$104.17	\$77.51
Lowest Monthly Payment Amount	10	10	
Making Payment without Prompt by RPA			16
Granted Additional Time to Pay	4		27*
Restitution Paid in Full	3		10
Making Payment at:			
30 days	13		37
60 days	8		29
90 days	5		28
120 days			22
150 days			18
180 days			15

210 days			11
240 days			8
270 days			7
300 days			7
330 days			3
360 days			2
390 days			2
Pulled Back from 3 <sup>rd</sup> Party Collection	8		18
Rule to Show Cause Filed	4		19
Referred to 3 <sup>rd</sup> Party Collection	2		14
Probation Revoked	0		1

*\*Note: some clients were granted payment extensions more than one time during this project*



## IV. Project Narrative

### a. Immediate, Consistent, and On-going Interaction.

We found that immediate interaction with persons convicted of crimes to discuss the ‘why’ of restitution obligations, strategize with them regarding a monthly payment plan, and the ability to maintain short-term (90 days), on-going contact to reinforce timely payment have resulted in promising outcomes. Clients who maintained contact with the RPA and continued making payments began to do so without prompting. Further, Clients contacted the RPA directly to discuss payment options when they experienced challenges making their payment.

### b. What We Learned. Factors vital to the success of the IAP Restitution Project.

1. Immediate post-sentencing contact between the dedicated RPA and Clients to provide information about the Project and the Client’s obligation to make restitution payments as part of their sentence; and
2. Client In-take meetings (arranged during the initial, post-sentencing contact) where the RPA completes the Payment Ability Evaluation Tool with the client and creates a monthly restitution payment plan.
3. RPA follow-up with Clients during the first 90 days post-sentencing. The RPA conducted follow-up with Clients via phone calls, emails, and letters to remind them of upcoming payment deadlines, possible consequences for failing to submit payment, and reassurance they could contact him with questions/concerns regarding their payment.
4. Close working relationship based on clearly defined roles between Project Judge, RPA, Clerk and other Project partners is essential in order to quickly and successfully address challenges.

### c. Considerations for Future Implementation.

In order for the Project to succeed, it is imperative to bring together local system administrative and project practice partners far in advance of project implementation -- 90 days, minimally -- to identify: respective roles, responsibilities; personnel resources; logistics needs, area resources and the points of law that must be incorporated into the project.

As previously mentioned in this report, several Advisory Board meetings were dedicated to identify clearly court case processing, corrections processing, court software processing, etc., well in advance of ever hiring the RPA. We then inserted into those processes any applicable point of law pertaining to a specific item (e.g., timeframe within which pecuniary damage matters must be filed; time frame within which an adjudicated offender must begin making payments; how to handle matters involving 3<sup>rd</sup> party collections; driver’s license reinstatement, proof of identity, etc.) These sessions helped us more clearly identify the parameters within which the RPA could effectively operate.

Had we not taken the time to “deconstruct to reconstruct” and to “go slow now to move fast, later”, we would be writing a lengthy tome on negative unintended consequences of the Project for both victims and adjudicated offenders.

## How Did We Make It Happen?

a. **Project Personnel, Critical Skills.**

Because we focused on working with adjudicated offenders (“Clients”) to increase payment of victim restitution, we partnered with local personnel who had either direct interaction with Clients, or direct interaction with policy and/or data pertaining to Clients. In other words, we focused on the decision points over which project partners had some level of control (e.g., guilty plea, sentencing, local interventions, and violation response decisions). As is outlined in the table on the following pages, personnel involved in the IAP Wapello County Restitution Pilot Project who not only possess exceptional skills in their individual roles, but also work together as a strong Advisory Board team who spent many months developing procedurally fair but firm policy, and business rules for the project.

Not all Project Advisory Board personnel listed in the table at pages 7 – 8 had day-to-day interaction with the project (e.g., Chief Judge), and not all attended every Advisory Board meeting. However, their commitment to the project, their ability to effectively address challenges from any perspective, and the respective skills set of each Advisory Board member provided balanced and considered guidance throughout the entire project. Nevertheless, it is imperative for all Advisory Board members to be knowledgeable regarding best practices in their respective professions, possess keen problem-solving and collaboration skills, and have the ability to work together through what could be contentious or divisive matters. All Advisory Board Members should have the authority to make policy decisions within their respective organization and within any applicable law or administrative rule.



Personnel crucial to Project success were:

- **Project Judge.** Vital to the success of this project was the presiding judge. He possesses considerable knowledge with regard to law, problem-solving jurisprudence, and procedural fairness. This Judge has presided over juvenile court matters, mental health court during his career on the bench, and currently presides over a drug court in addition to his regular criminal docket. He lives in the rural community where this project is located and is very familiar with resources, area service professionals and the risks present for both crime victims and for persons adjudicated of committing crimes.
- **Restitution Program Assistant (RPA).** The RPA is the cornerstone of this Project. The RPA's unconditional positive regard for all Project partners, crime victims and Clients was instrumental in setting the overall tone for the Project. Strong interpersonal communication and organizational skills are paramount for anyone doing this work. Additionally, the RPA must have a keen understanding of relevant law, court procedures, court data management systems, corrections structure and programming, and the ability to mirror the language used both within the courts and within corrections at a level that any Client can understand.
- **District Court Administrator (DCA).** Responsible for court personnel hiring, management and infrastructure matters throughout the district. The DCA assisted with securing on-site office space, certain training components (data systems), and with access to court data systems for the RPA.
- **Clerk of District Court.** Manages and maintains all court records filed in the county, and oversees local Clerk Staff. Clerk's duties include accepting and processing all payments (e.g., victim restitution, fines, fees, court costs, child support, and civil judgments) and notifying state and local law enforcement and other applicable agencies of court orders as required by law. Clerks must possess strong public service skills and must be knowledgeable about both law and court rules as well as relevant data management system(s) and data transfer protocols. The Project Clerk assisted the RPA with verification of victim restitution payment, data access, and payment disbursement processes.
- **Director or Assistant Director DCS.** Initially, both the Director and Assistant Director were involved in the Project. Due to time constraints, the Assistant Director worked most closely with us. Each has authority to set policy for community-based corrections officers (Probation/Parole Officers) and both are extremely knowledgeable about corrections management, effective treatment programs, and best practices with regard to ensuring public safety and probationer/parolee success. Having Corrections personnel with this level of authority aided us in connecting quickly with Probation/Parole Officers, Presentence Investigators, and other DCS personnel who either may be in direct contact with a Client, or may be able to supply non-confidential information regarding a Client.
- **County Attorney.** The County Attorney serving on our Advisory Board also possessed tremendous management and problem-solving skills. He effectively identified mechanisms to aid the RPA in working with Clients and in obtaining victim restitution information.

- **Defense Counsel.** Aside from Clients themselves and the Project Judge, and as was appropriate to the Project, the RPA had the most contact with Defense Counsel. At the Project's outset, the RPA provided an education presentation on the Project to the local Defense Bar. This not only provided context of the Project, but also assured Counsel that the Project could be a good resource for their respective clients: we sought to move their respective clients towards success and away from further court involvement.

### Sample Restitution Project Advisory Board

Position	Role	Key Skills	Vital to Project Because:
Chief Judge of the Judicial District (JD)	Court Administration; Policy	Expertise in legal, ethical matters pertaining to Judicial Branch, courts	Approves projects at district and county level; provides administrative input as necessary, appropriate
District Court Administrator of JD	Court Administration; Policy,	Law pertaining to Clerks of Court; Data management; Personnel management	Assists in addressing concrete needs: where RPA is housed, access to court data systems, etc.
District or District Associate Judge (Project Judge)	Project Judge; Policy, Practice	Knowledge of criminal law, local resources and personnel; problem-solving court experience, procedural fairness practice	Clear understanding of caseload, defendants, problem-solving court techniques increase offender ability, while also ensuring crime victims receive pecuniary damage repayment.
County Clerk of Court	Clerk Liaison	Personnel management of Clerk Staff; knowledge of: law regarding clerk duties; data management within court docketing software	Data and Work Flow Process; Business Rules; may serve as direct point of contact RPA
Director or Assistant Director, Judicial District Department of Correctional Services (DCS)	Probation/Parole (Community-based corrections)	Personnel management; superior grasp of effective corrections programming for low-, medium-, high-risk probationers/parolees	Liaison between project and DCS, assists with policy regarding release of information concerning project clients (e.g., proof of identity, income information to assist with payment ability evaluation, restitution information, client accountability)
Restitution Program Assistant	Project Site Staff: Fulfills Restitution Project Duties	Knowledge & understanding of state law regarding victim rights, court case processing; restitution processes; corrections processes; problem-solving courts; detail-oriented; ability to work well with persons who may be in crisis and who may be from diverse education, socioeconomic and cultural backgrounds	Provides initial, on-going contact with project Clients; case management, follow-up on payment matters; reports to court in the event Clients fail to make payment as agreed; attends all guilty plea and sentencing matters in project Judge's court; provides information on restitution payment and, as needed referral to other resources for crime victims
County Attorney	Prosecuting Attorney	Knowledge of criminal law; victim rights under law; knowledge of problem-solving courts; sound public policy development	County Attorney can assist with providing restitution information; setting project policy in line with problem-solving
Defense Bar Representative	Interest of Defendant	Knowledge of criminal law; client representation; problem-solving court background.	Defense bar can be an asset to project in that a clear understanding that the project seeks not to further penalize an adjudicated person, but to provide a

			mechanism to aid that person in moving forward with their life by fulfilling court-ordered obligations.
<b>Other Relationships to Foster for Project Success</b>			
<b>Position</b>	<b>Role</b>	<b>Key Skills</b>	<b>Vital to Project Because:</b>
Presentence Investigator (PSI), DCS	Completes PSI's in criminal cases as ordered by the court.	Strong investigation, writing skills; knowledge of corrections system, programming; knowledge of criminal law pertaining corrections programming/management of offenders.	The PSI may have access to restitution information not yet available from other sources
Probation/Parole Officer(s), DCS	Supervises probationers/parolees as assigned	Appropriate management of low, medium and high risk offenders; treatment/education programming	Can assist with locating Clients, monitor conditions of probation
County Attorney Victim Witness Coordinator	Serves as County Attorney's point of contact for crime victims; may fulfill county attorney's legally mandated victim rights duties	Knowledge of law regarding victim rights; crisis management; knowledge of local and statewide resources for crime victims	May have, or be able to obtain restitution information not available at time of sentencing; can serve as resource for crime victims
Defense Attorneys	Represent defendants in criminal court matters	Knowledge of criminal law; experience with/understanding of problem-solving courts	Fostering relationships with defense attorneys increases their understanding of project as practical resource for their clients
Clerk of Court Staff	Provide customer service for court users	Knowledge of Clerk duties under the law (approximately 300 separate items); clear understanding of case management software, payment processes, business rules regarding all court case processing/docketing	Clerks manage every single piece of data regarding every type of court case; they have access to payment information, court schedules, etc.
Judicial Assistant Staff	Manages docket, case flow	Professional, yet courteous management of personnel in courtroom, court procedures, etc.	Judicial Assistant has immediate access to project Judge, knows: Judge's availability; court procedures; defense attorneys; corrections officers; interpreters; Project Clients

**b. Working with Adjudicated Persons (“Clients”).**

Many of us likely hold a general stereotype about people who commit crimes as “bad people”, who don’t care about anything, and won’t pay a dime despite a court order to do so.

*"The thing about stereotypes, as we all know, there is often truth in them, but it's almost always a partial truth."* - Alex Tizon, Pulitzer Prize investigative journalist, author.

What happened with Clients on the RPA’s caseload mirrors what occurs within corrections with regard to offenders screened as needing high-, medium- or low-risk supervision and services. That is, persons with low regard for authority have significantly greater intrinsic and extrinsic challenges to successful completion of corrections programming than those who have a higher regard for authority.



Project Clients with a low regard for authority screened themselves out of the Project almost immediately. Some failed to appear for intake appointment as ordered by the court and arranged with the RPA to set up a restitution repayment plan. Other Clients missed agreed-to payment deadlines and did not respond to several RPA communications about missed payments. Two Clients specifically insisted that the RPA should just “*go ahead transfer this to collections because they already have all my other cases.*” In corrections parlance, these Clients would likely be considered “high risk” to re-offend and less likely to comply with court-ordered sanctions.

Clients with a high regard for authority (generally follow rules, have few other interactions with the criminal justice system, have higher problem solving ability) tend to comply with court orders, promptly sign up for and complete required programming. These Clients quickly paid court-ordered obligations either at, or shortly after sentencing. Again, in the language of corrections, these Clients would be considered “low risk” to re-offend – they have fewer problems requiring intervention and have more personal strengths than persons who would be considered “high risk”.

The Project had the greatest impact for Clients who are likely ambivalent about authority, had some ability to pay, but faced several risk factors in being successful paying restitution (moderate criminal history, unstable/low wage employment, unstable living arrangements, substance use, etc.).

Additionally, these Clients were generally overwhelmed with both life challenges and with regard to meeting other sentencing requirements. Immediate post-sentencing and on-going contact with the RPA regarding monthly victim restitution payment resulted in Clients: paying consistently month-to-month; contacting the RPA when they faced a challenge paying as agreed; and, eventually, paying timely without a reminder from the RPA. These Clients might be screened by corrections as “moderate risk” -- they comply with requirements when prompted.

As will be more fully discussed in Project Narrative beginning at page 19, we know that Clients who remained engaged with the RPA continued making victim restitution payments. We also know that clients who failed to remain engaged with the RPA failed to make payments even after referral to 3<sup>rd</sup> party collections (Linebarger Collections).

## **VI. Restitution Project Implementation**

### **a. Timeline.**

During the planning and development of this project, the IAP Wapello County Restitution Pilot Project Advisory Board established and amended policy and procedure that satisfied requirements under Iowa law in a procedurally fair manner. The Board also sought to develop policies and procedures that mirrored language used in the Department of Correctional Services’ mindfulness-based programming efforts and the problem-solving model of drug and other dedicated court dockets. That is, we sought to move Clients “towards” success and “away” from thoughts, beliefs, attitudes and behaviors that put them at risk for further negative consequences.

As part of its deliberative process, these Project partners agreed on six guiding principles, which focused on increasing victim restitution repayment and defendant accountability, as well as providing recommendations that can capitalize on the leadership role of the courts in developing policies that can affect these matters.

1. Clients must have early, professional, procedurally fair, consistent, and on-going contact with the project via a dedicated point of contact (RPA);
2. Project partners recognize that Clients face numerous challenges (lack of stable employment, lack of stable/permanent living situation, poverty, substance use/abuse), but that Clients will also be tasked with responsibly paying restitution;
3. Clients should be those sentenced to probation;
4. Payment plans should be developed in a manner that result in timely payment without moving Clients away from life success post-sentencing;
5. Project language should encourage Clients to choose moving towards satisfying court obligations and away from thoughts, behaviors, and attitudes that would move them away from success;
6. Partnership with Clerk of Court, Department of Correctional Services (DCS), and Wapello County Attorney’s Office (WCAO) is imperative to project success.



Advisory Board members also recognized that positive reinforcement, strategically considered reminders of consequence for failure to abide by court orders, and clear court processes and court orders were key to ensuring project and Client success.

The table below indicates specific policies and/or procedures that were implemented or revised as part of the IAP Wapello County Restitution Pilot Project.

<b>Timeline of Restitution Pilot Project Policy Implementation:</b>	
<b>Date Implemented</b>	<b>Policy Implemented</b>
6.2.2016	Recommendations for initial policy development regarding Payment Ability Evaluation Tool and RPA duties.
	<ol style="list-style-type: none"> <li>I. IAP Wapello County Restitution Pilot Project Advisory Board approves Payment Ability Evaluation Tool format.</li> <li>II. IAP Wapello County Restitution Pilot Project Advisory Board determines as best practice that the Restitution Program Assistant (RPA) shall: <ol style="list-style-type: none"> <li>1. Meet and explain process to Clients at time of sentencing to arrange and complete a subsequent intake appointment;</li> <li>2. Complete Payment Ability Evaluation Tool with Client using Client's asset/liability information (W-2's, pay stubs, monthly expenses [rent/mortgage; utilities, etc.]) to determine restitution payment plan;</li> <li>3. File signed restitution payment plan in EDMS (Electronic Document Management System).</li> </ol> </li> </ol>
7.14.2016	Sentencing order language, identification of additional RPA duties.
	<ol style="list-style-type: none"> <li>I. IAP Wapello County Restitution Pilot Project judge amends sentencing order language requiring defendants who personally appear at sentencing shall also meet with RPA immediately post-sentencing.</li> <li>II. RPA shall attend all in-court adjudication and sentencing hearings.</li> <li>III. RPA shall provide Notice to the court if the Client fails to: <ol style="list-style-type: none"> <li>1. Attend intake; and/or</li> <li>2. Make restitution payment as agreed to and as ordered by the court.</li> </ol> </li> </ol>
8.18.2016	Setting policy for Project focus based on CVAD research indicators; clarifying sentencing order language (including payment amount); identifying areas of RPA and Client responsibility.
	<ol style="list-style-type: none"> <li>I. <b>Focus of the Restitution Project.</b> <ol style="list-style-type: none"> <li>1. The sole focus of this project shall be the payment of victim restitution owed in the Project case.</li> <li>2. Past due payments in prior court cases or past due payments in court cases from other Iowa counties will not be combined into the case referred to the Restitution Project payment plan.</li> </ol> </li> <li>II. <b>Restitution Project Sentencing Order Language.</b> <ol style="list-style-type: none"> <li>1. Order specifically addresses crime of which defendant was adjudicated, conditions of sentence, consequences for failing to abide by sentencing order, etc. <i>"The defendant</i> </li> </ol> </li> </ol>

Timeline of Restitution Pilot Project Policy Implementation:	
Date Implemented	Policy Implemented
	<p><i>shall contact (the RPA) through the Clerk of Court's Office at the Wapello County Courthouse within 10 days of today's date. If the defendant fails to contact (the RPA) or meet with (the RPA), a Rule to Show Cause shall issue."</i></p> <p><b>III. Client Responsibility to Arrange Intake Appointment.</b></p> <ol style="list-style-type: none"> <li>1. The sentencing court will direct defendants who personally appear at sentencing to meet immediately after sentencing with the RPA to arrange an intake appointment.</li> <li>2. Persons who waive their right to appear at sentencing are still ordered to contact the RPA within 10 days of their sentencing to arrange an intake appointment.</li> <li>3. RPA shall Notice the Court of Client's failure to arrange an intake appointment within the mandated timeframe or for failure to appear for their scheduled intake appointment. This shall occur at 3:00 pm on the second business day after the Client has failed to abide by either condition.</li> </ol> <p><b>IV. Minimum Restitution Payment Amount.</b></p> <ol style="list-style-type: none"> <li>1. Persons earning more than the Wapello County poverty level may be held to more than the minimum \$50/month court-ordered payment plan amount.</li> <li>2. Persons earning less than the Wapello County poverty level will be held to court-ordered payment plan amount.</li> </ol> <p><b>V. Driver's License Reinstatement; Vehicle Registration Blockage.</b></p> <ol style="list-style-type: none"> <li>1. Restitution Project Clients may seek the assistance of any Iowa County Attorney having a License Restoration Program, including on-line assistance available from such programs.</li> </ol>
9.15.2016	Recommendations for IAP Wapello County Restitution Pilot Project Advisory Board membership; refining policy regarding Client proof of identity, income, expenses; payment options; Clients with outstanding court debt non- IAP Wapello County Restitution Pilot Project; consequences for delinquent payment.
	<p><b>I. Advisory Board Representation from Defense Bar.</b></p> <ol style="list-style-type: none"> <li>1. A representative of the local Public Defender's Office, or an attorney from a firm who has significant court-appointed counsel duties should be part of this initiative.</li> </ol> <p><b>II. Proof of Client identity</b> (for Clients lacking current state-issued picture ID).</p> <ol style="list-style-type: none"> <li>1. Department of Correctional Services (DCS) will forward to the RPA a probationer's DOT application for new picture ID.</li> <li>2. Clients may also follow procedures to replace lost/stolen Iowa Driver's License/ID listed at <a href="http://www.iowadot.gov/mvd/driverslicense/lost.htm">http://www.iowadot.gov/mvd/driverslicense/lost.htm</a>. For this process, Clients must provide proof of: <ul style="list-style-type: none"> <li>• date of birth, identity, lawful status;</li> <li>• Social Security Number; and</li> <li>• Proof of residency.</li> </ul> </li> </ol> <p><b>III. Proof of Client Income.</b> (For Clients lacking recent employment and/or complete tax information).</p> <ol style="list-style-type: none"> <li>1. The RPA shall review all Restitution Project cases for 'Application of Court Appointed Counsel' and retain such applications as partial documentation of Client income. Persons must be at 125% of the U.S. poverty level in order to qualify (&lt;\$7.14/hour; \$1,238/month; \$14,850/year for an individual).</li> <li>2. DCS will forward to the RPA any wage information gathered in preparation of a Restitution Project Client's Presentence Investigation (PSI).</li> </ol>

Timeline of Restitution Pilot Project Policy Implementation:	
Date Implemented	Policy Implemented
	<p>3. Any person may obtain a report showing their five most recent quarters of income from their local Workforce Development center. The request <b>must</b> be made in person, and the person making the request must supply a valid photo ID.</p>
	<p><b>IV. Proof of Client Expenses</b> (for Clients lacking stable living arrangements).</p> <p>1. The RPA shall ask Clients to bring to their intake appointment any bills showing monthly expenses, including their most recent cell phone bill and their most recent cable bill and/or internet provider bill. Anecdotal experience indicates Clients may very likely have a cell phone.</p>
	<p><b>V. Voluntary Wage Assignment.</b></p> <p>1. Clients may ask employers to withhold a certain amount from each paycheck that would automatically be sent for payment of court-ordered obligation. Only the Client can make this request of his or her employer. When applicable, the RPA shall assist Clients with completion of this form, which is available in the Clerk of Court's Office.</p>
	<p><b>VI. Order of Assignment of Payment.</b></p> <p>1. If a Client has multiple court matters, the RPA shall advise Clients to indicate clearly to which case number the payment should be attributed to, ensuring proper assignment of victim restitution payment.</p>
	<p><b>VII. Clients Who Become Delinquent in Restitution Payment.</b></p> <p>1. The RPA shall Notice the Court when a Client fails to make timely payment.</p> <p>2. The Court will set the matter for a Rule to Show Cause hearing.</p> <p>3. If the Client makes payment prior to the Rule to Show Cause hearing date, the hearing will be cancelled.</p> <p>4. If the Client fails to make payment prior to the Rule to Show Cause hearing, the matter may be sent to Linebarger collections and removed from the Project caseload.</p>
	<p><b>VIII. Clients Who Make Full Victim Restitution but Have Other Outstanding Costs on Project Case.</b></p> <p>1. No action taken on other outstanding costs – the focus on this Project is solely on victim restitution. RPA will acknowledge full payment of restitution via 'thank you letter' to Client.</p>
	<p><b>IX. Clients Who Have Payment Plans with Linebarger in Non-Restitution Project Cases.</b></p> <p>1. Victim restitution shall be paid in the Restitution Project case first.</p> <p>2. The RPA shall emphasize with Clients that consistently paying victim restitution (even in weekly installments or via voluntary wage assignment):</p> <ul style="list-style-type: none"> <li>Keeps their case out of Linebarger, which will assess a 25% surcharge on the amount owed each month and can seize: tax returns, bank accounts, lottery and other 'windfall' income.</li> <li>They should contact the RPA as quickly as possible if they are experiencing difficulty in making payment to learn if other payment schedule(s) can be arranged.</li> </ul>
	<p><b>X. Clients Who Become Delinquent in Non-Restitution Project cases.</b></p> <p>1. Same as item VII, above.</p>
10.20.2016	Sentencing order language further refined to direct Restitution Project cases remain at

Timeline of Restitution Pilot Project Policy Implementation:	
Date Implemented	Policy Implemented
	the local level with all payments attributed to victim restitution, prohibits any payment amount being subject to automatic attachment by Linebarger (Linebarger cannot access any restitution payment made in this program); applicable Clerk of Court action re Linebarger attachment (internal court data processing mechanism); RPA action regarding IAP Wapello County Restitution Pilot Project Client meetings; determination of pecuniary damages; Client intake data; Client payment status.
	<p><b>I. Sentencing Order Language Amendment re Linebarger Attachment to Project Cases.</b></p> <ol style="list-style-type: none"> <li>1. <i>"Restitution Payments made according to the court ordered plan of payment in this matter shall remain 100% attributable to victim restitution."</i></li> <li>2. Clerk of Court will need to adjust parameters on the 'Financial Transfer Screen' in ICIS to ensure restitution payments are attributed per court-ordered payment plan.</li> <li>3. The RPA shall notify the Clerk of Court of: <ul style="list-style-type: none"> <li>• Clients having outstanding court debt on <u>non-Project cases</u>;</li> <li>• Clients who have made full restitution on the Project Case; and</li> <li>• Cases resulting in contempt for non-payment of restitution.</li> </ul> </li> </ol> <p><b>II. Pecuniary Damage Information Undetermined at Time of Sentencing.</b></p> <ol style="list-style-type: none"> <li>1. The RPA shall review Complaint and Affidavit for any restitution amount listed.</li> <li>2. The RPA will continue working with Wapello County Attorney's Office (WCAO) and Department of Correctional Services (DCS) Presentence Investigation (PSI) writers to learn of any restitution information received.</li> </ol> <p><b>III. Clients Who Waive Appearance at Sentencing -- Release from Custody/Jail.</b></p> <p>Clients who waive appearance at sentencing may be released from custody without signing up for an intake with the RPA.</p> <ol style="list-style-type: none"> <li>1. The RPA will not make initial contact with the Client. While a Client waiving the right to be present at sentencing is challenging, the Advisory Board determined it would be inappropriate to suggest alternative operation procedures to jail custodians. However, the sentencing order will still reflect that the Client is to schedule a meeting with the RPA within 10 days of sentencing to complete the Payment Ability Evaluation Tool and set up a monthly payment plan.</li> </ol> <p><b>IV. RPA Access to Client Payment Record on EDMS/ICIS.</b></p> <ol style="list-style-type: none"> <li>1. At this time, the RPA does not have access to this data. (<b>Note:</b> the RPA was granted access to this data March 16, 2017.)</li> <li>2. Should the RPA be granted access to this level of data security and should District Court Administration require, the RPA shall enter into a confidentiality agreement which specifically limits the use of the search for Restitution Project Cases only. Violation of the agreement would result in disciplinary action up to and including termination from employment.</li> </ol> <p><b>V. Restitution Project Client Follow-up.</b></p> <ol style="list-style-type: none"> <li>1. The RPA will regularly check payment status on all Project cases.</li> <li>2. If no payment has been made five business days prior to payment due date, the RPA shall send the Client a letter regarding upcoming due date, methods by which payment can be made, and reminder of consequences for failure to timely pay.</li> <li>3. If payment is not made, the RPA shall provide Notice to the Court so that Rule to Show Cause proceedings can issue.</li> </ol>

Timeline of Restitution Pilot Project Policy Implementation:	
Date Implemented	Policy Implemented
	<p><b>VI. Incomplete Information During Client Intake.</b></p> <ol style="list-style-type: none"> <li>1. Advisory Board members recommend completing intake assessment with available information including any information RPA gathers prior to intake (e.g., application for court-appointed counsel, employment information provided by PSI writer).</li> </ol> <p>Factors considered in making this recommendation –</p> <ul style="list-style-type: none"> <li>• Clients will have incomplete information;</li> <li>• Transportation to an additional appointment is a barrier to success; and</li> <li>• Additional appointment requirements may jeopardize any employment a Client does have.</li> </ul>
11.17.2016	RPA duties further clarified to ensure restitution payment is accurately credited to IAP Wapello County Restitution Pilot Project Clients paying on-line.
	<p><b>I. Accurately Tracking Restitution Payment via ‘E-Pay’ – to Ensure Appropriate Allocation to, and Tracking of Restitution Payments Made Electronically.</b></p> <ol style="list-style-type: none"> <li>1. The RPA shall advise all Clients to call the Clerk of Court Office between 8:00 am – 4:30 pm Monday – Friday to make certain any payments via E-pay or another option are directed to the Restitution Project Case.</li> <li>2. The Clerk of Court will provide the RPA with a daily summary of E-Pay submissions.</li> <li>3. The RPA shall verify with the Clerk of Court that E-Pay submissions pertain to Restitution Project Cases to ensure accounts are properly credited.</li> </ol>
12.15.2016	RPA action when pecuniary damages are unknown.
	<p><b>I. When Pecuniary Damage Statement (PDS) Not Filed.</b></p> <ol style="list-style-type: none"> <li>1. Regardless of whether a PDS is filed <u>at the time of sentencing</u> in project cases, the RPA will complete Client intake as if a PDS <i>would</i> be filed in the post-sentencing timeframe allowed by Iowa Code.</li> <li>2. Clients would still be obligated to begin making payment towards restitution within 30 days of sentencing as agreed upon in their payment plan and ordered by the court.</li> <li>3. Clients who do not contact the RPA regarding payment and who fail to make payment towards restitution within 30 days of sentencing will have their case(s) referred to Linebarger Collection.</li> <li>4. If no PDS is filed and diligent efforts have been made to secure PDS information from the WCAO within the time allotted by law: <ol style="list-style-type: none"> <li>a. Any payments a Client had already made would be applied to other obligations in the Restitution Project Case after entering a finding that no restitution is due, and</li> <li>b. Restitution Project Judge would need to be notified that “No PDS will be filed”; WCAO has received no PDS information from the victim(s) of the offense.</li> </ol> </li> <li>5. The Restitution Project Judge would enter a finding that no restitution is due upon receiving notice that the RPA made diligent efforts to receive PDS information from the WACO and that no victim restitution information had been received by the WACO with which to file a PDS.</li> </ol>
3.16.2017	RPA EDMS/ICIS access expanded.

Timeline of Restitution Pilot Project Policy Implementation:	
Date Implemented	Policy Implemented
	<p><b>I. RPA Access to Client Payment Record on EDMS/ICIS.</b></p> <p>1. RPA is granted access to court use only EDMS Financial Transactions data to verify and document project Client date, amount, and method of restitution payment; no confidentiality agreement was required by District Court Administration. RPA is clear that use of this data for any purpose other than Restitution Project duties is a violation of conditions of employment that will result in disciplinary action up to and including termination. Item I(2) from 11.17.2016 above is no longer applicable.</p>

#### **b. Payment Ability Evaluation Tool.**

To better understand an individual Client's possible resources, IAP created the Payment Ability Evaluation Tool based on research of various 'ability to pay' tools in use by court and corrections programs throughout the country (see [Appendix B](#)). We used that information to create tool that accurately assessed a Client's general asset and liability information without having a punitive feel or an overly broad reach (e.g., mandating credit card payment; including a spouse's, intimate partner's, or other family member's financial information). This resulted in a monthly payment that ensured both timely victim restitution payment and helped move the client towards overall success in their probation programming.

**Completing the Tool.** While we initially hoped that Clients could independently complete the Tool, it became quickly apparent that Clients were overwhelmed with the myriad details regarding court-ordered requirements occurring at or near the time of sentencing. We determined that the best method for gathering information and building Client rapport was for the RPA to complete the Tool via questions and answers with the Client during intake, which took an average of 40 minutes.

A best practice recommendation is to use the Tool as part of a general conversation with Clients regarding the purpose of the Project while also addressing any concerns or questions the Client may have about paying restitution. The RPA should also talk with Clients about their restitution obligation and reinforce the importance of Clients working with both their Probation Supervisor and the RPA to move towards successfully completing court-ordered programming. The goal of both that initial Client Intake and the overall IAP Restitution Pilot Project is to have Clients view the RPA as a resource for them with regard to any questions they may have about paying restitution or any challenges they may experience in making monthly payments. (See p. 28 "Payment Ability Evaluation Tool")

## VII. Restitution Program Assistant

### a. Primary Activities.

Restitution Program Assistant Overview of Duties
<p><b>Attend</b> all guilty plea and sentencing hearings held in open court on the Project Judge's docket.</p> <p><b>Meet</b> with Clients to complete the Payment Ability Evaluation Tool.</p> <p><b>Provide</b> via EDMS the Payment Ability Evaluation Tool information to the Courts and PSI Investigator, as necessary.</p> <p><b>Notify</b> the Court of any plan of payment and/or a Client's failure to attend the intake meeting.</p> <p><b>Evaluate</b> the effectiveness of the Payment Ability Evaluation Tool.</p>
Initial Client Meeting:
<p><b>Meet</b> with Clients immediately after sentencing to arrange an intake appointment.</p> <p><b>Provide</b> Clients with an appointment reminder before they leave the initial post-sentencing meeting.</p> <p><b>Send</b> an official Client appointment reminder letter within 24 hours. This letter is also sent to Clients who waived personal appearance at sentencing.</p>
Assessment Meeting:
<p><b>Complete</b> Payment Ability Evaluation Tool by reviewing Client's financial documentation (income, expenses, and court-ordered obligations).</p> <p><b>Secure</b> copies of documentation used in completing the Payment Ability Evaluation Tool (e.g., official photo ID, pay stub, rent/mortgage, utility bills, etc.).</p> <p><b>Sign</b> and date all forms, including agreement of monthly restitution payment amount.</p> <p><b>Provide</b> Clients with signed copy of Payment Ability Evaluation Tool as well a basic understanding of the Iowa Code regarding restitution; reinforce their rights and obligations under the law.</p>
Information Provided to the Court:
<p><b>Completed</b> Payment Ability Evaluation Tool.</p> <p><b>Signed</b>, dated monthly restitution payment agreement.</p> <p><b>Notice</b> of Client failure to meet with RPA; failure to abide by the restitution payment plan agreement; and, when no pecuniary damages are available as verified by the County Attorney.</p>
Evaluate the Payment Ability Evaluation Tool by tracking:
<p><b>Number</b> of assessments completed.</p> <p><b>Number</b> of assessment results forwarded to Court, DCS.</p> <p><b>Amount</b> of time needed to complete assessment.</p> <p><b>Number</b> of Client s put on a restitution payment plan.</p>

Restitution Program Assistant Overview of Duties
Average monthly payment amount.
Track the number of Restitution Project Clients who:
<p><b>Made</b> payment within 30 days of sentencing.</p> <p><b>Were</b> compliant on payment plan at 60 and 90 days post-sentencing.</p> <p><b>Made</b> restitution payment in-full.</p> <p><b>Were</b> granted additional time to pay.</p> <p><b>Were</b> brought back to court for non-payment.</p> <p><b>Were</b> referred to Linebarger Collection for non-compliance with court-ordered restitution payment plan.</p> <p><b>Faced</b> revocation of probation and imposition of original sentence.</p>

Throughout the initial contact and intake meeting as well as during any subsequent contacts, the RPA:

- Discusses the Restitution Project,
- Answers questions about the process,
- Emphasizes timely restitution payment benefits them in moving forward with conditions of probation and with making positive choices in their lives,
- Reinforces Clients working with the RPA as well as their probationary supervisor when they are experiencing challenges in making timely payment, and
- Recognizes Clients who make full payment of victim restitution.

Further, the RPA carefully fostered relationships with corrections, the Project judge, court staff, defense bar, and prosecuting attorneys facilitated information gathering and non-privileged sharing. This decreased miscommunication/misunderstanding between Project partners, and also decreased the opportunity for a Client who genuinely disregarded his or her obligation to misdirect the RPA's efforts. Thus, clients are more effectively held accountable for restitution payments.

In addition, the Project carefully mirrors probation's mindfulness programming efforts in that we seek to move clients "towards" success and "away" from thoughts, beliefs, attitudes and behaviors that put them at risk for negative consequences. During the first 90 days post-sentencing, the RPA sends clients reminder letters of upcoming payment dates and reinforces the importance of maintaining contact should they experience any challenges with making timely payment. Clients faced with such challenges have been permitted to make payments on a weekly basis or otherwise divide their monthly obligation so that they stay on track with payment.

**The Story of K, a Client in the Project.** At the time of her first meeting the RPA, K was overwhelmed, angry, and scared. K had a moderate criminal history, had sporadic, low wage employment, and was



essentially homeless. After meeting with the RPA to discuss the court's order regarding victim restitution repayment, feeling assured that the RPA would work with her on creating a payment plan that would result in repayment of restitution without causing additional instability, K began making agreed-to payments in a timely manner. As was true for several Clients in the Project, K occasionally experienced financial challenges in making the agreed-to payment. Through the RPA's consistent and respectful interaction with K during the first 90 days post-sentencing, K knew she could – and did – contact the RPA to discuss the challenges and explore options for making payment. Although K has struggled during the Project with numerous aspects of her life, she continued to pay victim restitution. Without the direct, compassionate but firm involvement of the RPA, K would likely have missed payments and her case would have been referred to third party collections.

**The Surprising.**

- A Client expressed frustration the Project doesn't exist in other counties (e.g., Clients who may have victim restitution owing on cases in other communities)
- Crime Victims began contacting the RPA if they had not received payment. As one victim said, *"it's easy to contact him (RPA) if I have a question, or to find out whether restitution has been paid, and if not, why."*

## **Appendix A**

### **Iowa Accountability Program Restitution Pilot Project – Individual Case Data**

Iowa Accountability Program Restitution Pilot Project – Individual Case Data																			
Case ID	Total Owed	Payment Suggested by Tool	Client Paying Restitution as Agreed at													Paid in Full	Rule to Show Cause	Sent to 3 <sup>rd</sup> Party Collections	Restitution Amount Still Owed
			30 days	60 days	90 days	120 days	150 days	180 days	210 days	240 days	270 days	300 days	330 days	360 days	390 days				
August 2016																			
010389	\$951.59	\$40	Y	Y	Y		Y	Y	Y	Y	Y	Y							\$550.32
025325	\$620	\$20	N	N														11.8.16	\$620
September 2016																			
010260	\$4,159.19	\$50	N	N														12.14.16	\$1,852.93
010372	\$580	refused																11.3.16	\$482.52
010261	\$4,159	\$50	Y	Y	Y	Y	Y	Y										8.2.17	\$1,852.93
025693	\$175	\$50	Y	Y												11.10.16			\$0
022940	\$365.15	\$50	Y	Y	Y	Y											5.18.17	5.18.17	\$207.95
025299	\$600	\$50	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y		9.1.17			\$0
025590	\$721.63	\$25	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				5.19.16			\$0
025159	\$219.97	refused																9.23.16	\$0
025387	\$273.84	\$20	Y	Y													2.21.17	2.21.17	\$229.84
October 2016																			
023190	\$194.99	\$50	Y	Y	Y	Y										1.20.17			\$0
007180	\$9,393.15	\$100	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y				\$7,948.15
010579	\$200	\$40	Y	Y	Y	Y	Y									3.3.17			\$0
010420	\$1,394.25	\$50	Y	Y	Y	Y	Y										7.6.17	7.6.17	\$1,144.25
009766	\$8,040	\$10; No PDS	Y																\$0
023510	\$512.26	\$50	Y	Y	Y												7.6.17	7.6.17	\$362.26
010453	\$725	\$45; No PDS	Y																\$0
025724	\$58	\$20															1.24.17	1.24.17	\$58
November 2016																			
025398	\$400	\$400	Y													11.8.16			\$0
010550	No PDS	\$15	Y																\$0

Iowa Accountability Program Restitution Pilot Project – Individual Case Data																			
Case ID	Total Owed	Payment Suggested by Tool	Client Paying Restitution as Agreed at													Paid in Full	Rule to Show Cause	Sent to 3 <sup>rd</sup> Party Collections	Restitution Amount Still Owed
			30 days	60 days	90 days	120 days	150 days	180 days	210 days	240 days	270 days	300 days	330 days	360 days	390 days				
025530	No PDS	\$15																	\$0
025488	\$413.22	\$20	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							\$123.22
009772	\$491.11	\$10	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y							\$391.11
009573	\$1,083.08	\$50	Y														3.2.17	3.2.17	\$922.17
025426	\$605.62	\$20	Y	Y	Y												7.12.17	7.13.17	\$485.62
010508	\$1,380	\$1,380	Y													12.1.16			\$0
December 2016																			
010452	\$520.70	\$25	Y	Y	Y														\$435.70
010360	\$968	\$30	Y	Y	Y	Y	Y	Y	Y										\$595
024865	\$2,269.37	\$20	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y						\$2,049.37
025487	\$413.22	\$10	Y	Y	Y	Y	Y	Y	Y	Y									\$123.22
010323	\$9,077.38	\$150	Y	Y	Y	Y	Y	Y											\$8,237.38
025441	No PDS	\$50	Y																\$0
January 2017																			
010359	\$1,000	\$50															7.6.17	7.18.17	\$1,000
025147	\$52	\$52	Y													2.15.17			\$0
025006	\$347.62	\$30	Y	Y	Y													5.30.17	\$247.62
009580	\$2,024.92	\$30	Y	Y	Y	Y	Y	Y	Y										\$1824.92
February 2017																			
009734	\$3,704	\$50																7.18.17	\$3,704
March 2017																			
009272	No PDS	\$50																	\$0
024203	\$636.74	\$10.00	Y	Y	Y	Y	Y												\$342.74
023332	\$23.32	\$23.32	Y													3.13.17			\$0
008603	\$28,650	\$200	Y	Y	Y	Y	Y	Y	Y										\$26,450

Iowa Accountability Program Restitution Pilot Project – Individual Case Data																			
Case ID	Total Owed	Payment Suggested by Tool	Client Paying Restitution as Agreed at													Paid in Full	Rule to Show Cause	Sent to 3 <sup>rd</sup> Party Collections	Restitution Amount Still Owed
			30 days	60 days	90 days	120 days	150 days	180 days	210 days	240 days	270 days	300 days	330 days	360 days	390 days				
022832	\$339.37	\$30.00	Y	Y	Y	Y													\$209.37
022736	\$59.70	\$20.00	Y	Y	Y											8.3.17			\$0
April 2017																			
010325	\$1,050	\$100	Y	Y	Y	Y	Y												\$442
025925	\$798.71	\$40	Y	Y	Y	Y	Y												\$598.71
May 2017																			
010815	No Intake	No PDS																	\$0
010704	\$1,000	\$50	Y	Y	Y	Y													\$800
June 2017																			
026099	\$292.14	\$10	Y																\$282.14
July 2017																			
011023	\$1,949	\$20															9.12.17	9.12.17	\$1,949
010855	\$650.87	FTA Intake																7.20.17	\$650.87
August 2017																			
No clients referred to program this month																			
September 2017																			
026403	\$186.32	\$20																	\$186.32

No Pecuniary Damages

Key    Paid in Full


Collections

## **Appendix B**



### **Sources Used In Compiling “Ability to Pay Evaluation Tool”**


Sources Used in Compiling “Ability to Pay Evaluation Tool” for IAP’s Wapello County Restitution Pilot Project	
Where	Resource
<b>Alaska</b>	District/Superior Court Financial Statement (Appointment of Counsel [CR-205]; <a href="http://courts.alaska.gov/forms/">http://courts.alaska.gov/forms/</a> )
<b>Arizona</b>	Maricopa County Adult Probation Department Ability to Pay Evaluation ( <a href="https://victimsofcrime.org/docs/restitution.../d4_az-maricopa-graduated-sanctions.pdf">https://victimsofcrime.org/docs/restitution.../d4_az-maricopa-graduated-sanctions.pdf</a> )
<b>California</b>	Enhanced Collections Unit, Administrative Office of Courts – “Collections Best Practices” ( <a href="http://www2.courtinfo.ca.gov/partners/455.htm">http://www2.courtinfo.ca.gov/partners/455.htm</a> )
<b>Colorado</b>	Colorado Judicial Department: Short Form and Long Form Financial Disclosure Forms <a href="https://www.courts.state.co.us/Forms/PDF/JDF%20208%20Application%20for%20Court-Appointed%20Counsel%20or%20GAL%20-%20R10%2020151.pdf">https://www.courts.state.co.us/Forms/PDF/JDF%20208%20Application%20for%20Court-Appointed%20Counsel%20or%20GAL%20-%20R10%2020151.pdf</a> )
<b>Florida</b>	“Project Payback – Contract/Restitution Plan” ( <a href="https://victimsofcrime.org/docs/Report/2011_RestitutionReport_4-JuvenileRestitution.pdf?sfvrsn=0">https://victimsofcrime.org/docs/Report/2011_RestitutionReport_4-JuvenileRestitution.pdf?sfvrsn=0</a> , at p. 9)
<b>Iowa</b>	Court Appointed Counsel Application
	Fifth Judicial District DCS Initial Probation Agreement
	Sentencing Colloquy (Felony)
	Sentencing Colloquy (Misdemeanor)
<b>Michigan</b>	Trial Court Collections – State Court Administrative Office <a href="http://courts.mi.gov/administration/admin/op/tcc/pages/default.aspx">http://courts.mi.gov/administration/admin/op/tcc/pages/default.aspx</a> (Collections Resources)
<b>Minnesota</b>	“Restitution Practices in Minnesota – Roadblocks and Recommendations”; Bigham, et al, University of Minnesota Humphrey School of Public Affairs, August 2013 ( <a href="https://dps.mn.gov/divisions/ojp/forms-documents/Documents/Restitution%20Working%20Group/Capstone%20paper.pdf">https://dps.mn.gov/divisions/ojp/forms-documents/Documents/Restitution%20Working%20Group/Capstone%20paper.pdf</a> )
<b>Pennsylvania</b>	Lancaster County PA Adult Probation & Parole Services Collections Enforcement Unit <a href="https://victimsofcrime.org/docs/restitution-toolkit/c4_pa-faq-payment-obligations.pdf?sfvrsn=2">https://victimsofcrime.org/docs/restitution-toolkit/c4_pa-faq-payment-obligations.pdf?sfvrsn=2</a> )
<b>Vermont</b>	Vermont Restitution Unit – Restitution Judgment Order (13.V.S.A. § 7043); ( <a href="http://www.ccvs.vermont.gov/assets/documents/The%20Vermont%20Model%20-%20A%20Victim%20Centered%20Approach%20to%20Restitution.pdf">http://www.ccvs.vermont.gov/assets/documents/The%20Vermont%20Model%20-%20A%20Victim%20Centered%20Approach%20to%20Restitution.pdf</a> , at page 56)


## Appendix C: Payment Ability Evaluation

<b>Wapello County</b>		
<b>Payment Ability Evaluation</b>		
<b>Defendant Name</b>		
<b>Date:</b>		
<b>I am Here for Case #</b>		
<b>My Monthly Income</b>		
<b>Source</b>	<b>Amount</b>	
Take home salary/wages		
Commissions/Bonuses		
Unemployment		
Social Security Income		
Disability		
Veteran's Benefits		
Workman's Compensation		
Retirement Pension Income		
Interest Income		
IRA Payout/Dividend Income		
Spousal Support (Alimony)		
Insurance settlement annuity		
Tribal Entitlements		
Rental Property Income		
Stocks, Bonds, Trusts, Investments, Insurance Policy		
Lottery annuity		
<b>Total</b>		
<b>Total Household Income</b>		
<i>Continued on Next Page</i>		



Assets				
<b>Vehicles:</b> Cars, trucks, motorcycles, ATVs, boats, jet skis, camper livestock trailers, equip. trailers				
Anything requiring a license/tag)				
<u>Year</u>	<u>Make</u>	<u>Model</u>	<u>Value</u>	
<b>Bank Account(s) and Current Balance</b>				
	<b>Name of Bank</b>			
Checking Account				
Savings Account				
Cash on hand:				
<b>Credit Card(s)</b>				
<b>Card 1 (name)</b>				
Credit Limit:				
Credit Available				
<b>Card 2 (name)</b>				
Credit Limit:				
Credit Available				
<b>Card 3(name)</b>				
Credit Limit:				
Credit Available				
<b>Card 4 (name)</b>				
Credit Limit:				
Credit Available				
<b>Card 5 (name)</b>				
Credit Limit:				
Credit Available				
<b>Credit Available</b>				
Real Estate (Equity in Home)				
Stocks, Bonds, Trust Funds, Investments				
Retirement Fund				
Life Insurance				
Deferred Compensation/401K				
<b>Total</b>				
<b>Total Assets</b>				
<b>Available Credit</b>				
<b>Continued on Next Page</b>				

	<u>Yes/No</u>		<u>Amount \$</u>
Did you/will you receive a State Income Tax Refund Last Year ?	Yes		
Did you/will you receive a Federal Income Tax Refund Last Year ?	yes		
<b>Monthly Expenses</b>			
<b>Court Costs I had before my current case</b>			<b>Monthly Payment</b>
Child Support			
Restitution			
Probation/Parole fee	Case #		
Fines	Case #		
Court Costs	Case #		
<i>Court Costs Total</i>			
<b>Housing</b>			
Mortgage	Company		
1st Mortgage	Company		
2nd Mortgage	Company		
Garage Rental	Company		
Homeowner's Association Fee	Association		
Home Equity Loan	Company		
Homeowner's Insurance	Company		
Other Home Expenditure	Describe		
Property Taxes	County		
Rent	Landlord		
<i>Housing Total</i>			
<b>Utilities</b>			
	Company		
Electricity			
Garbage, Recycling			
Gas			
Water, Sewage			
	<i>Utilities Total</i>		
<b>Food/Household Expenses</b>			
Food			
Bottled Water Delivery			
Cable TV			
Contracted Labor (lawn/housecleaning service, etc.)			
Entertainment/Recreation (movies, club memberships, sports leagues, dining out, etc.)			
<i>Continued on Next Page</i>			

<b>Food/Household Expenses (continued)</b>			
Household supplies			
Internet			
Medications			
NetFlix/Other TV/Movie/Series Subscription			
Publication subscriptions (Magazines, Newspapers, etc.)			
School Lunches/school activity fees			
<b>Food/Housing Total</b>			
<b>Transportation Costs</b>			
Bus, Taxi, or RideShare Costs			
Car Payment			
Gasoline/fuel			
Parking Expense			
<b>Transportation Total</b>			
<b>Insurance</b>			
Auto Insurance	Company		
Health Insurance	Company		
Health Insurance	Company		
Life Insurance	Company		
<b>Insurance Total</b>			
<b>Credit Card Payment</b>			Monthly Payment
<b>Communication</b>			
Telephone (landline)			
Cell phone (total number of lines included in package)			
<b>Communications Total</b>			
<b>Monthly Expense Total</b>			
<b>Total Income + Assets</b>			
<b>Available Credit</b>			
<b>Total Debt</b>			
<b>Total Expenses</b>			
<b>Monthly Remainder</b>			
<b>Continued on Next Page</b>			

I \_\_\_\_\_  
(Probationer's Printed Name) affirm that all information written in this "Payment Ability Evaluation" form

is true and accurate to the best of my knowledge. I also give \_\_\_\_\_  
(Judicial Program Assistant)

permission to verify all information included in the "Payment Ability Evaluation" form for a period  
not to exceed 6 months from today's date.

\_\_\_\_\_  
Probationer's Signature

\_\_\_\_\_  
Judicial Program Assistant's Signature

\_\_\_\_\_  
Today's Date

\_\_\_\_\_  
Today's Date

Wapello County Restitution Project						
Payment Status/Progress						
Defendant:				Case #:		
Offense:				Probation Period:		
Victim:				Probation Officer:		
Amount of time needed to Complete Assessment:						
	Amount Assessment Indicates Defendant Can Pay	Total Ordered by Court	Monthly Payment	Balance	Delinquency	Last Payment Made
Restitution						
Fines						
Costs						
Other						
Payment History						
	Date Paid	# of Payments	Amount Paid	Amount Owed		
30 days						
60 days						
90 days						
120 days						
180 days						
1 year						
<b>Notes:</b>						